

AO 440 (Rev. 10/93) Summons in a Civil Action

# United States District Court

DISTRICT OF DELAWARE

## SUMMONS IN A CIVIL CASE

CHARLES W. SMITH,

V.

CASE NUMBER:

XYBERNAUT CORPORATION,  
EDWARD G. NEWMAN, STEVEN A.  
NEWMAN, THOMAS D. DAVIS,  
BRUCE C. HAYDEN, and GRANT  
THORNTON LLP,

TO: (Name and address of defendant):

Grant Thornton LLP  
c/o The Corporation Trust Company  
Corporation Trust Center  
1209 Orange Street  
Wilmington, DE 19801

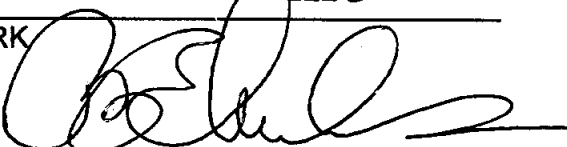
**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Jessica Zeldin, Esquire  
Rosenthal, Monhait, Gross  
& Goddess, P.A.  
919 N. Market Street, Suite 1401  
P. O. Box 1070  
Wilmington, DE 19899-1070

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

**PETER T. DALLEO**

CLERK



(BY) DEPUTY CLERK

JUN 02 2005

DATE

**RETURN OF SERVICE**

Service of the Summons and Complaint was made by me <sup>1</sup>	DATE 6/3/05
NAME OF SERVER (PRINT) MATTHEW MAIRS	TITLE COURIER

Check one box to indicate appropriate method of service:

- ☐ Served personally upon the defendant. Place where served: \_\_\_\_\_
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  
Name of person with whom the summons and complaint were left: \_\_\_\_\_
- ☐ Returned unexecuted: \_\_\_\_\_
- ☒ Other (specify): Brian Penrod care of Corporation Trust Company  
CTC 1209 Orange Street Wilmington, DE 19801  
c/o Grant Thornton LLP

**STATEMENT OF SERVICE FEES**

TRAVEL	SERVICES	TOTAL

**DECLARATION OF SERVER**

I declare, under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

6/3/05

Date

Signature of Server

Matthew K. Mairs  
800 N. King Street  
 Address of Server Wilm, DE 19805

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.